

SENATE BILL NO. 29

INTRODUCED BY L. MOSS

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY PROVIDING FOR THE TRAINING OF PERSONS SELLING OR SERVING ALCOHOLIC BEVERAGES; PROVIDING A PENALTY; PROVIDING FOR RULEMAKING; AND PROVIDING AN ~~APPLICABILITY DATE~~ THAT THE DEPARTMENT OF REVENUE HAS SOLE JURISDICTION FOR THE TRAINING PROGRAM."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 8] may be cited as the "Responsible Alcohol Sales and Service Act".

NEW SECTION. **Section 2. Legislative intent.** It is the intent of [sections 1 through 8 9] that retail establishments licensed to ~~serve or~~ sell or serve alcoholic beverages ensure that all licensees and their employees and ~~their supervisors~~ are appropriately trained to comply with state law prohibiting the sale or service of alcoholic beverages to persons under 21 years of age and to persons who are intoxicated.

NEW SECTION. **Section 3. Definition.** As used in [sections 1 through 8 9], "licensee" means a person or entity licensed by the department to sell alcoholic beverages at retail for either on-premises or off-premises consumption.

NEW SECTION. **Section 4. ~~Training plan required.~~** ~~An applicant for initial licensure or for renewal, transfer, or reinstatement of a retail license to sell or serve alcoholic beverages for on-premises or off-premises consumption shall submit to the department an employee training plan demonstrating how the applicant intends to comply with the provisions of [section 5].~~ **Notification – violation – penalty.** (1) A licensee shall certify annually on its license renewal form that the licensee is in compliance with the provisions of [sections 1 through 9].

(2) A license renewal form that falsely includes information that the licensee and all employees have been trained pursuant to [sections 1 through 9] is a violation of this code.

(3) If, after an investigation under 16-4-406, a licensee is determined to have violated subsection (2), the licensee must be assessed an administrative penalty under the provisions of 16-4-406 or the penalty for false swearing under 45-7-202.

NEW SECTION. Section 5. Licensees required to ensure training and post signs. A licensee shall:

(1) require each employee who is authorized to sell or serve alcoholic beverages in the normal course of employment and the employee's immediate supervisor to successfully complete training to ensure compliance with state law regarding the sale and service of alcoholic beverages. The training must be completed within 60 days of the employee's date of hire and every 5 3 years after the employee's initial training.

(2) maintain employment records verifying employee completion of the training required in subsection (1); and

~~—(3) post signs on the licensee's premises informing customers of the licensee's policy against selling or serving alcoholic beverages to any person under 21 years of age and to any person who is intoxicated.~~

NEW SECTION. Section 6. Responsible server and sales training program. (1) The department shall ~~establish~~ certify all server and sales training programs that include the following:

- (a) effects of alcohol on the human body;
- (b) information, including criminal, civil, and administrative penalties, related to 27-1-710 and this code;
- (c) procedures for checking identification;
- (d) procedures for gathering proper documentation that may affect the licensee's liability
- (e) training for skills to handle difficult situations and to learn evaluation techniques regarding intoxicated persons or others that pose potential liability;
- (f) a final test

(g) a certificate of completion, which must be provided to participants who pass the final test.

(2) The department may have a responsible server and sales training program ~~consisting of a train-the-trainer program for volunteer trainers who may provide training pursuant to [sections 1 through 8]~~ if the program meets the standards in subsection (1).

NEW SECTION. **Section 7. Jurisdiction.** The implementation and enforcement of any mandatory server and sales training programs in this state is under the exclusive authority and jurisdiction of the department.

NEW SECTION. **Section 7 8. Penalty.** A licensee found ~~during~~ as a result of a routine check for compliance with 16-6-301, 16-6-304, or 16-6-305 to be out of compliance with [section 5(1) or (2)] shall pay a \$50 \$200 fine for each employee subject to [section 5(1)] who either did not successfully complete the required training or whose training is not current as required in [section 5(1)]. The fine must be paid to the department and deposited in the enterprise fund to the credit of the department for administration of [sections 1 through 8 9].

NEW SECTION. **Section 8 9. Rulemaking.** The department shall adopt rules to implement the provisions of [sections 1 through 89].

NEW SECTION. **Section 9 10. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

NEW SECTION. **Section 10- 11. Codification instruction.** [Sections 1 through 8 9] are intended to be codified as an integral part of Title 16, chapter 4, and the provisions of Title 16, chapter 4, apply to [sections 1 through 8 9].

NEW SECTION. **Section 11. Applicability.** ~~[This act] applies to employees hired by licensees on or after [the effective date of this act].~~